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OFFICE OF PETITIONS

ON PETITION

In re Application of
Ben-Bassat et al.
Application No. 09/274,953
Filed: March 23, 1999
Attorney Docket No. 3055.00068

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 18, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed September 12, 2002. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on December 13, 2002. A Notice of Abandonment was mailed on July 2, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950.00 extension of time fee submitted with the petition on November 18, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

On October 1, 2003, certain patent fees were increased. At the time the petition was filed, the petition fee was \$1330.00 rather than \$1300.00. Therefore, an additional \$30.00 has been charged to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 2600 for further examination on the merits.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.



Wan Laymon
Petitions Examiner
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for Patent Examination Policy